



NETSCAPE



Exhibit "B"

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SEP 25 2003

Technology Center 2100

May 25, 1999

VIA CAREFUL COURIER

Michael Glenn  
OFFICE OF MICHAEL GLENN, ESQ.  
125 Lake Road  
Portola Valley, California 94028

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MAY 25 1999

MICHAEL GLENN

Re: Patent Matters

Dear Michael:

Enclosed please find the signed original disclosure letter, assignment and declaration for NETS0055/98-990. Also enclosed are the disclosure materials for four new matters. The named inventor for Netscape matters 98-1140 and 98-1160 is Prasanta Behera, (650) 937-4948, prasanta@netscape.com. The named inventors for 98-1170 are Prasanta Behera and Terry Hayes, (650) 937-2788, thayes@netscape.com. As I mentioned in my e-mail of yesterday, we received these matters last year, but were not able to prosecute them at that time. Given the time constraints, if possible, we are requesting that 98-1140, 98-1160 and 98-1170 be filed in the next couple of months.

Regarding 99-1330, we would like your assessment of the patentability of this invention. The inventor, Judson Valeski, (303) 546-0061, valeski@netscape.com, is going to forward a report which his patent counsel drafted regarding the patentability of this invention. As soon as I get it I will forward it to you for your review.

Thank you for your assistance with these matters, and please let me know if I can provide further information.

Very truly yours,

Kelly J. Hikido  
Senior Paralegal  
(650) 937-5930

Enclosures



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of: Behera**

**Docket No.: NETS0059**

**Serial No. : 09/447,443**

**Art Unit: 2177**

**Filed: 22 November 1999**

**Examiner: Dodds, H.**

**Title: SIMPLIFIED LDAP ACCESS LANGUAGE SYSTEM**

September 18, 2003

Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR § 1.132 – KIRK WONG**

Sir:

This Declaration is provided in connection with Applicant's response to the Advisory Action dated August 28, 2003 for the above-identified patent application.

1. My name is Kirk Wong. I am a Patent Attorney representing Netscape Communications Corporation, the owner of the subject patent application.

2. Our office received the attached documents 1) email entitled "Invention Disclosure Assistance" dated 14 August 1998 (Exhibit "A"); and 2) letter entitled "Patent Matters" (Exhibit "B") on 25 May 1999.

3. These Exhibits are submitted in support of a 37 CFR 1.131 declaration by Prasanta Behera declaring prior invention to overcome patent document (Weschler, U.S. Patent Number 6,470,332) cited by the Examiner.

4. Exhibit A shows that the owner of the patent, Netscape Communications Corporation, received notification by the inventor, Prasanta Behera, of the invention on 13 August 1998. The document previously submitted by Prasanta Behara supporting his 37 CFR 1.131 declaration (filed on 18 August 2003) was dated September 2, 1998.

5. Our office received Exhibits A and B on 25 May 1999. Exhibit B requested that our office prepare utility patent applications for Netscape Communications Corporation. The subject patent application is listed as case 98-1140. The drafting of the subject patent application was scheduled in our office. I later interviewed Prasanta Behera and drafted the subject patent application. The subject patent application went through a review period with Prasant Behera and myself and was subsequently filed on 22 November 1999.

6. It is within reason that the time frame between Exhibits A and B is reasonable for a company to evaluate an invention, the inventor to pursue his invention, and the company to decide and fund a utility patent application for the invention.

7. It is further within reason that the time frame between Exhibit B and the date the subject patent application was filed is reasonable for a Patent Attorney to receive a request from a client to prepare a utility patent application, schedule the utility patent application to be drafted, interview the inventor, draft the utility patent application, review and revise the utility patent application with regard to the inventor's comments, and subsequently file the utility patent application.

8. The Examiner has rejected Prasanta Behera's 37 CFR 1.131 declaration in a Office Action dated 18 June 2003 because the evidence was insufficient to establish diligence from a date prior to the date of reduction to practice of the Weschler reference. Exhibits A and B are proof that the Applicant was diligent.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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KIRK WONG

9-18-03  
DATE